

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DUANE PALMER,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

08-CV-1969(KAM)(RML)

-----X  
**WHEREAS**, plaintiff commenced this action by filing a complaint on or about May 14, 2008, alleging that defendants violated his federal civil and state common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York, hereby agrees to pay plaintiff **DUANE PALMER** the sum of **TWENTY-ONE THOUSAND (\$21,000.00) DOLLARS**, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against defendant City of New York, and to release all defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New

York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in the complaint in this action, including all claims for attorney's fees, expenses, and costs.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

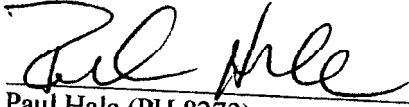
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 23, 2009

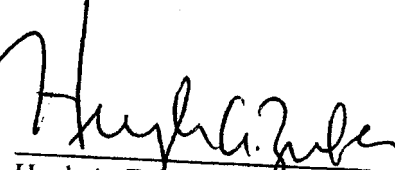
PAUL HALE, ESQ.  
26 Court Street, Suite 1901  
Brooklyn, New York 11242  
Attorney for Plaintiff  
(718) 554-7344

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street  
New York, N.Y. 10007  
(212) 442-0832


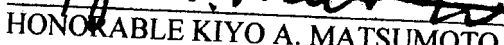
By:

  
Paul Hale (PH 8273)  
Attorney for Plaintiff

By:

  
Hugh A. Zuber (HZ 4935)  
Assistant Corporation Counsel

SO ORDERED:

  
  
HONORABLE KIYO A. MATSUMOTO  
UNITED STATES DISTRICT JUDGE